

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Victor J. Dzau, et al. Docket No.: 39753-0021C2  
Serial No.: 09/839,752 Group Art Unit: 1636  
Filing Date: April 19, 2001 Examiner: Marvich, Maria  
For: **THERAPEUTIC USE OF CIS-ELEMENT DECOYS IN VIVO**

**FEDERAL EXPRESS SHIPPING LABEL NO. 7916 3128 1719**

**Date Mailed: July 14, 2003**

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. §1.97**

Examiner Maria Marvich  
U.S. Patent & Trademark Office  
Crystal Mall One  
1911 South Clark Place  
Floor 12CM10; GRU: 1636  
Arlington, VA 22202

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
-- OR --

03 JUL 15 2003  
1:54

RECEIVED  
JUL 17 2003  
TECH CENTER 1600/2900

- (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
  - (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- a certification as specified in §1.97(e) is provided below; **or**
  - a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; **and**
  - B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
  - C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39753-0021C2).

Respectfully submitted,

Dated: July 14, 2003

By:   
Ginger R. Dreger  
Reg. No. 33,055

**HELLER EHRLICH WHITE & MCAULIFFE LLP**  
**Customer No. 25213**  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

<b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>		<b>ATTY. DOCKET NO.:</b>		<b>SERIAL NO.:</b>			
		39753-0021C2		09/839,752			
		<b>APPLICANT :</b> Victor J. Dzau, et al.					
<b>FILING DATE:</b> 4/19/01		<b>GROUP:</b> 1636					
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS		
	5,264,423	11/23/93	Cohen, et al.				
	5,276,019	1/4/94	Cohen, et al.				
	5,286,717	2/15/94	Cohen, et al.				
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	Hiebert, Scott W., "E1A-dependent Trans-activation of the Human <i>MYC</i> Promoter is Mediated by the E2F Factor", Proc. Natl. Acad. Sci., Vol. 86, pp. 3594-3598, May 1989.						
	Yee, A. S., et al., "Promoter Interaction of the E1A-inducible Factor E2F and its Potential Role in the Formation of a Multi-component Complex", The EMBO Journal, Vol. 6, No. 7, pp. 2061-2068, 1987.						
<b>EXAMINER</b>	<b>DATE CONSIDERED</b>						

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.